

6.

REPORT

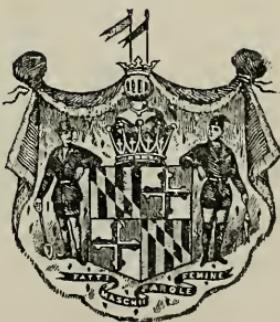
OF THE

COMMISSIONER

OF THE

LAND OFFICE OF MARYLAND.

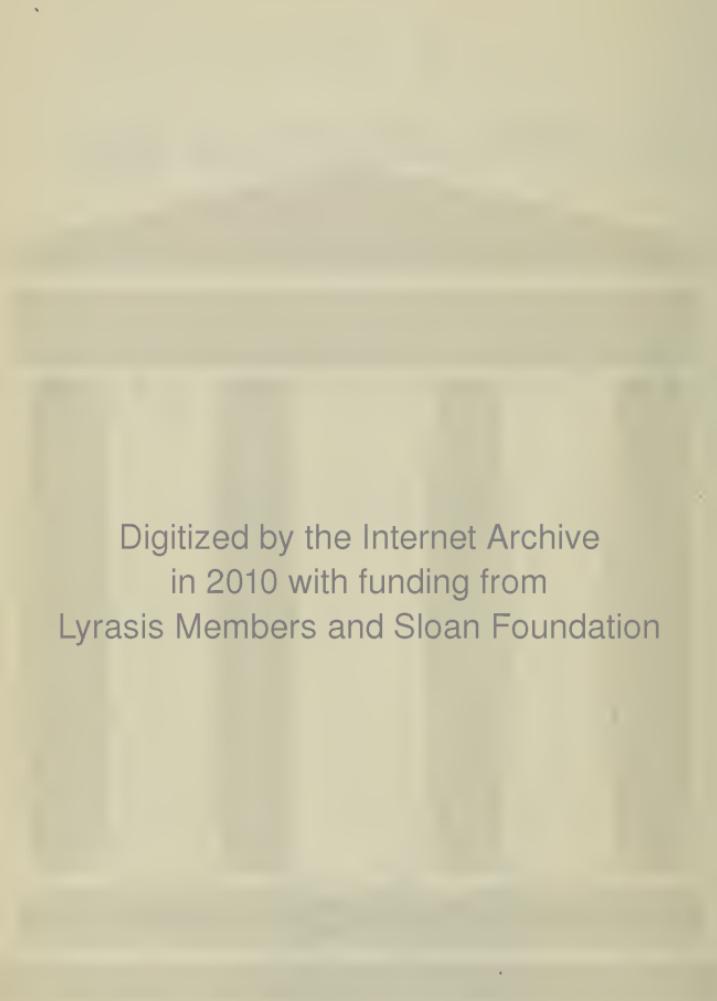
From October 1st, 1899 to September 30th, 1901.



BALTIMORE:

KING BROS., STATE PRINTERS

1901.



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COMMISSIONERS OF THE LAND OFFICE.

From the First Settlement of the State to the Present Time.

JOHN LEWGER—1637. *Member of the Council—Officer in charge of Land Grants, etc.*

JOHN LANKFORD—1641. “*During his natural life*”—*Surveyor General*

ROBERT CLARKE—1648. *Surveyor General.*

JEROME WHIITE—1664. *Surveyor General.*

BAKER BROOKE—1676. *Surveyor General.*

VINCENT LOWE—1679 to 1680. *Surveyor General.*

In 1680 the Land Office was created, with a Register on each Shore.

JOHN LLEWELLIN—*Register for Western Shore.*

VACHEL DOWNES—*Register for Eastern Shore.*

HENRY DARNELL—*Register, 1688.*

CHARLES CARROLL—*Register, 1712.*

EDWARD GRIFFITH—*Register, 1715.*

EDMUND JENNINGS—*Judge and Register, 1732.*

LEVIN GALE—*Judge and Register, 1738.*

PHILIP THOMAS—*Judge and Register, 1743.*

BENJ. TASKER and **BENJ. YOUNG**—*Judges and Registers, 1746.*

BENJ. YOUNG and **GEO. STEUART**—*Judges and Registers, 1747.*

BENEDICT CALVERT and **GEO. STEUART**—*Judges and Registers, 1755*

ST. GEORGE PEALE—*Register, 1777.*

JOHN CALLAHAN—*Register, 1779.*

JOHN KILTY—*Register, 1806.*

JOHN BREWER—*Register, 1812.*

G. G. BREWER—*Register, 1827.*

In 1841 the Eastern Shore office was transferred to the Western Shore.

G. G. BREWER—*Register for Western Shore.*

SAMUEL ROBERTS—*Register for Eastern Shore.*

The Constitution of 1851 created the office of Commissioner of the Land Office.

HON. JAMES MURRAY—1852.

HON. WILLIAM L. W. SEABROOK—1857.

HON. GEORGE L. L. DAVIS—1868.

DR. WILLIAM R. HAYWARD—1869.

J. THOMAS SCHARF, A. M., LL. D—1884.

PHILIP D. LAIRD—1892.

WILLIAM O. MITCHELL—1896.

HON. E. STANLEY TOADVIN—1900.

BI-ANNUAL REPORT:

LAND OFFICE OF MARYLAND,**ANNAPOLIS, December 2, 1901.**

To His Excellency, JOHN WALTER SMITH,

Governor of Maryland:

SIR:—The report herewith submitted embraces the business transacted in the Land Office from the 30th day of September, 1899, to the 1st day of October, 1901, together with such information as to the records of the office as may be of advantage and use to the student of history, the lawyer, and owners of real estate.

THE OBJECT AND VALUE OF THE LAND OFFICE.

The statement of the former Commissioner in his last report under this caption is a clear and condensed exposition of the object and value of the Land Office of Maryland, and is herein reproduced:

"In it are preserved the most important records, documents, chancery proceedings, maps and other valuable papers collected by the Province and State, since the office was created in 1680. The Land Office, therefore, must be considered as the fountain and depository of the primitive muniments of title to all the landed property in the State—in which re-

spect, the surveys returned to, and the patents recorded in it, together with the chancery records, constitute Maryland's Domesday book, in which a more accurate description of all the lands of the State is to be found than of the lands in the records of any country whatever. By the acts of 1780 and 1781, all the lands belonging to British subjects were confiscated to the use of the State, and with these lands Maryland rewarded the officers and soldiers who faithfully served in the revolution in the Maryland Line. The Act of 1781 created a Land Office for the Western Shore, and another for the Eastern Shore, and placed each of them under the direction and care of a Register. In 1841 these two offices were consolidated, and the present Land Office was established at Annapolis. By the Constitution of 1851, the "Commissioner of the Land Office" was created and directed to perform the duties formerly discharged by the Chancellor, Register and Examiner-General, and to act as Judge in caveat cases. In 1853 the General Assembly passed an Act declaring the Court of the Commissioner of the Land Office to be a Court of Record. The Act of 1862 and the Constitution of 1864, made the Commissioner of the Land Office the keeper of the Chancery Records and the ante-revolutionary and revolutionary papers. By the Constitution of 1867 he was further required "to collect, arrange, classify, and keep all papers, records and relics connected with the early history of Maryland."

Besides performing the duties required by the Acts mentioned, the Commissioner of the Land Office, among other things, has to issue warrants; to furnish copies; to prescribe rules and regulate the conduct of Surveyors in making surveys and returning certificates of plats; to examine and pass upon certificates returned to his office by Surveyors and to hear, examine and decide upon all caveats which come before him as Commissioner.

WARRANTS.

By custom, which has ripened into law, and by Statute, six different kinds of Warrants are issued by the Commissioner of the Land Office, whereby the title of the State in its eminent domain is the first process in transferring any part of the same from the State to the private individual or a corporation. The Code provides only for the issuing of such Warrants as may be called for by name without defining or expressing the nature or applicability of such warrants. There has, however, grown up a well defined and established difference from the Rules and Regulations of the Lord Proprietors in the selling and conveying of land, the decrees

of Council of Provence, regulations and custom of the Surveyor Generals, the Chancellors and Commissioners of the Land Office. And as mistakes are frequently made in the applications for the kind of warrants desired it might not be inappropriate to insert in this report an explanation of the respective warrants of survey.

1. A **Common Warrant** affects only uncultivated and vacant land in the County to the County Surveyor of which it is directed. Under this warrant any fraction or number of acres of vacant land may be surveyed and taken up, provided it be all in one body.

2. A **Special Warrant** has all the attributes of a common warrant, with the addition that under it cultivated vacant land may be surveyed and patented. In the application for this warrant, the applicant giving the name of the County and a description of where he will have it located. A Special Warrant holds the lands located in the warrant and his right to survey the same holds good until the warrant is executed or the six months time allowed for execution expires.

3. A **Special Warrant of Re-Survey, adding vacancy**, is applicable where a person has discovered land to be vacant adjoining or contiguous to the land already belonging to him and may include more than one parcel of vacant land, provided it is contiguous to and adjoins his land.

This is also a convenient and desirable way of ascertaining and establishing the ancient metes and bounds of his land and consolidating several adjoining tracts owned by the same person into one tract and patent.

4. A **Special Warrant of Re-Survey by Holding and Possession** applies where a person entitled to lands in fee simple and being in possession thereof, or those under who he claims for the last 20 years, and not desiring to add contiguous vacancy. The manner of proceeding is laid down in the Code, Art. 54, Sections 28-29.

5. **Special Warrant of Escheat** as its name implies, is for land that reverts back to the State where the owner dies intestate and without having heirs. In applying for this warrant the application must state the name, situation and quantity of the land and the owner of the escheat land and that he died intestate and without heirs.

6. The **Proclamation Warrant** affects vacant land that has been surveyed and a certificate of survey returned to the Land Office and there laid without the composition money having been paid within a year from the date of the warrant. The first one applying is entitled to this warrant after expiration of the time limit given in which to pay the composition money.

Composition Money is the price of the vacant land, and is fifty cents per acre every where in the State the vacant land may be found.

NUMBER OF WARRANTS ISSUED SINCE LAST REPORT.

Common Warrants.....	30
Special Warrants.....	66
Special Warrants of Re-Survey, adding vacancy.....	3
Special Warrants of Re-Survey for Holding and Possession	4
Special Warrants of Escheat.....	6
Special Warrants of Proclamation.....	1
Total.....	110

Of these warrants seventy-two (72) have been executed.

Certificates of Survey returned..... 72

Fifty-four Patents have been issued, granting five thousand, six hundred and eighty-eight (5688) acres, three (3) rods and (4) perches of land, of which four thousand, eight hundred and twelve (4812) acres, three (3) rods and four (4) perches were vacant land.

Following is a complete list of Patents issued.

LAND PATENTS.

Land Patents Issued from October 1, 1899 to September 30, 1901.

NAMES OF LAND.	Acres.	Roads,	Perches.	NAME OF PATENTEE.	COUNTY.	Vacant Land		
						Acre.	Roads.	Perches.
Brown Land.....	52	1	---	Heirs of Ephriam H. Brown.....	Montgomery	25	2	3,100
Rocky Island.....	25	2	3,100	William W. Anderson.....	Montgomery	25	2	3,100
Survey on Crawfords Lodge.....	570	3	---	William W. Anderson, et al.....	Montgomery	---	---	---
Santiago.....	57	1	24	Martha W. Etchison.....	Montgomery	16	1	24
Sopers Discovery.....	16	1	24	William Soper.....	Montgomery	19	3	---
Piney Heights.....	19	3	---	Isaac C. Anderson.....	Anne Arundel	19	3	---
Watts Recovery.....	9062	sq. feet	---	Fannie M. and Marshall Oliver, et al.....	Annapolis city	---	---	---
Hughblits Farm.....	15	2	14	Thomas Hughlett.....	Dorchester	15	2	14
Fiddlers Island.....	15	3	---	Levi D. Travers.....	Dorchester	15	4	7
Pinders Protection.....	53	3	27	E. W. Buck, et al.....	Dorchester	53	3	27
Myrtle Hammock Tract.....	180	7	27	Jessie E. Elliott.....	Dorchester	180	1	27
Abbotts Point.....	13	2	28	Samuel P. Abbott.....	Dorchester	13	2	28
Mazoros Intention.....	120	3	5	Robert J. Elliott.....	Dorchester	120	3	5
Willey's Luck.....	133	1	---	Daniel J. Willey.....	Dorchester	133	1	---
Robbins Third Venture.....	46	13	---	Joseph Robbins.....	Dorchester	46	---	13
Father's Gift.....	51	2	31	Joseph Robbins.....	Dorchester	51	2	31
Robisons Choice.....	69	---	---	Alex. G. and Jno. O. Robbins.....	Dorchester	69	---	---
Robbins Choice.....	62	13	---	Richard J. Robbins.....	Dorchester	62	---	13
Slocum's Choice.....	5	1	---	James D. and L. F. Slocum.....	Dorchester	5	1	---
Heart's Trouble.....	89	27	---	John Shorter.....	Dorchester	89	---	27
Hughes Hope.....	19	3	11	Levin S. Gray.....	Dorchester	19	3	11
Brambles Choice.....	133	1	11	John Bramble.....	Dorchester	133	1	11
Brambles Delight.....	31	2	33	John Bramble.....	Dorchester	31	2	33
Hay Marsh.....	424	2	16	Walter B. Swindell, et al.....	Dorchester	424	2	16
Inslsey's Adventure.....	9	1	33	John H. Inslsey, et al.....	Dorchester	9	1	33
Venus.....	16	3	9	Alex. G. and John O. Robbins.....	Dorchester	16	9	9

Cow Creek Pasture.....	115	1	3	Samuel W. Moore and Cornelius Gray	Dorchester	115	1	3
Good Luck.....	58	3	38	Rufus A. Robbins.....	Dorchester	58	3	38
Addition to Sherman's Survey on Three Square Pond.....	204			James N. Sherman, et al.....	Dorchester	204		
Donald's Choice.....	8	3	10	Matthew M. Dunnock	Dorchester	8	3	10
Elliott's Privilege.....	82	3	30	Jessie E. Elliott	Dorchester	82	3	30
Gift to My Daughter.....	19	2	18	Joseph E. Robbins	Dorchester	19	2	18
Galestown Wharf.....	4	2	16	George E. H. Wheatley	Dorchester	4	2	16
Williams Delight.....	70	1	16	William H. Robbins	Dorchester	70	1	16
Jacobs Delight.....	216	2	3	William H. Robbins	Dorchester	216	2	3
Jessies Beginning.....	8		19	John A. Dunnock	Dorchester	8		19
Rieves Discovery.....	17		39	Werner C. Rieve	Baltimore	17		39
New Enterprise.....	1065	2	25	William H. Bayless	Cecil, Hartford	1065	2	25
Michael's Landing.....	2	27	27	George T. Van Bibber	Harford	2	27	27
Pats Indiscretion.....	15	1	1	George T. Van Bibber	Harford	15	1	1
Websters Choice.....	13	1	1	Marcellus S. Webster, et al	Somerset	13	1	1
Manokin Beach.....	35	1	20	George A. and W. E. Cox	Somerset	35	1	20
Webster's Select.....	4	24	24	Fletcher Webster	Somerset	4	24	24
Layfield's Select.....	5	26	26	Warren and George W. Layfield	Somerset	5	26	26
Scrivners Defeat.....	108			George S. Warnick	Garrett			
Clines Prospect.....	72			Mrs. Minnie Wolf	Garrett	72		
Second Addition to Manor Cold Day.....	1004	5	20	James Swan Frick	Garrett	1004		
Kessler's Purchase.....	187	3	20	Mark J. Whitfield	Allegany	5	3	20
Vacancy.....	18	1	30	John Kessler	Allegany	69	30	30
English's Choice.....	32			Denton Duffinbaugh	Allegany	18	1	1
Riggins' Choice.....	39			Samuel J. English	Wicomico	32		
Mount Catherine.....	40	27	27	Winfield S. Riggins	Wicomico	39		
No Mans Island.....	8	2	20	Charles B. Wagner, et al.	Washington	40	27	27
				Thomas F. Mason, et al.....	Frederick	8	2	20
Total Number Acres in Patents	5688	3	4	Total Number of Acres of Vacant Land included in Patents.		4812	3	4

**EXTRACTS OF DEEDS, MORTGAGES, RELEASE OF MORTGAGES AND
LEASES OF REAL ESTATE.**

Prior to the passage of the Act of Assembly of 1874, Chapter 66, the duties of the Land Commissioner were confined almost exclusively to the issuing of warrants for vacant land, passing upon certificates and all matters pertaining to vacant land. Keeper of the Chancery Records of the High Court of Chancery and the ante-revolutionary and revolutionary papers, and under the Constitution of 1867 collector and keeper of all papers, records and relics connected with the early history of Maryland. This Act of 1874 materially enlarged the scope of the duties of the Commissioner and the clerical force of the office, by providing for the transfer of all books containing deeds and transfers of soldiers' lots, and all other land record books in the office of the Clerk of the Court of Appeals to the Land Office, and providing that extracts of all deeds should be sent by the Clerks of the several Counties and of Baltimore City to the Land Office, and there indexed and bound. The collection of the title to all the lands in the State at one place has been of inestimable benefit to holders of real estate in tracing title from the first settlement of the Colony to the present time. The titles of real estate are thus safeguarded in three ways—by the record in the Clerk's offices, the original deed and the extracts in the Land Office. Section 51, of Article 35 of the Code provides that "A certified copy under seal, of the extract of a deed transmitted by any of the Clerks of the Circuit Courts or the Clerk of the Superior Court of Baltimore City to the Commissioner of the Land Office, shall be evidence if the original deed and record thereof be lost or destroyed."

As it is necessary in order to remove any doubt that may arise as to the legal effect of a certified copy of extract of mortgage, release of mortgage and lease of real estate, to amend this section, it might be well to provide that any extract of any of the above shall be evidence of the original, whether the original record of or deed, mortgage, release of mortgage and lease of real estate be lost or destroyed, or not lost or destroyed. Chapter 427 of Acts of 1900, provided for extracts of mortgages, releases of mortgages and leases of real estate be sent to the Land Office in the same manner as extracts of deeds. And in this connection the Commissioner respectfully calls the attention of Your Excellency and the Legislature to the necessity of enlarging the provisions of this Act by requiring that certified copies of reports of Commissioners, to value and divide real estate of decedents, Trustee's reports of sales of real estate in Chancery and the

Orphans' Court, and condemnation reports, when finally ratified, be forwarded to the Land Office. Purchasers under these proceedings are often negligent in procuring deeds and by conveying without any deed, causing a break in the chain of the paper title.

The prompt sending of these extracts to this office is a necessary requirement and the means of making the law effective and a protection for title papers. The aforementioned Act of 1900, Section 55, had this promptness in view when the Judges of the Circuit Courts were required to enforce the transmission of extracts, and for a failure to do so to impose such fines and penalties as they may provide. The loss of the Record Offices of St. Mary's, Cecil, Harford, Calvert and Baltimore Counties, with most, if not all, their valuable records, is an object lesson for the strict enforcement of this provision. Dorchester County, has hitherto been classed as one of the sufferers of loss of records by fire, but through the search and courtesy of Mr. James S. Shepherd, the Deputy Clerk of the Circuit Court for Dorchester County, it can be stated that none of the real estate records have been lost, but are complete. For his next report, the Commissioner hopes to be able to report as to what records are missing of St. Mary's, Cecil, Harford, Calvert, Charles and Baltimore Counties.

The facilities for examining the different records are not such as may be desired, and by reason of the interior arrangement of the present rooms of the Land Office, no improvement seems possible to be made without great labor and expense, which is not absolutely necessary at present, and the inconvenience can be endured until the completion of the rooms in the New Public Building, which will be adapted to the requirements of a Record Office.

The indexes of the extracts of land title which the Commissioner is required to have made, are nearly complete for all the bound volumes. The name of the Grantor and Grantee, and the name of the land, if any, are indexed in separate volumes of indexes for each County and Baltimore City.

The reorganization of the clerical force by Chapter 318 of 1900, enables the Commissioner to have this necessary and laborious work done by one clerk, where formerly two clerks were employed at the same work, and were independent of the control of the Commissioner, and not required or compelled to do other work in the office, and at an expense of less than one-half of the former cost.

RECORDS OF THE OFFICE.

The Records in the Land Office now embrace the following, being an increase of 54 volumes since the last report.

Land Office Records, proper,	-	-	333	volumes.
Provincial and General Court Records,	-	-	145	"
Chancery Records and Dockets,	-	-	220	"

EXTRACTS OF DEEDS.

Miscellaneous, Series M. S., 1 to 12, 1788 to 1823, and indexes..	14	vols.
Miscellaneous, Series A. G., 1 to 19, 1792 to 1812, and indexes..	21	"
Miscellaneous, Series E. H., 1 to 35, 1815 to 1849, and indexes..	39	"
Allegany County, 19 volumes and 4 indexes.....	23	"
Anne Arundel County, 23 volumes and 3 indexes.....	26	"
Baltimore City, 471 volumes and 47 indexes.....	518	"
Baltimore County, 165 volumes and 11 indexes.....	176	"
Baltimore County and City, 105 vols., 11 indexes.....	116	"
Calvert County, 3 volumes and 2 indexes.....	5	"
Caroline County, 11 volumes and 2 indexes.....	13	"
Carroll County, 20 volumes and 4 indexes.....	24	"
Cecil County, 15 volumes and 3 indexes.....	18	"
Charles County, 7 volumes and 3 indexes.....	10	"
Dorchester County, 10 volumes and 3 indexes.....	13	"
Frederick County, 98 volumes and 10 indexes.....	108	"
Garrett County, 4 volumes and 3 indexes.....	7	"
Harford County, 25 volumes and 4 indexes.....	29	"
Howard County, 16 volumes and 3 indexes.....	19	"
Kent County, 14 volumes and 2 indexes.....	16	"
Montgomery County, 23 volumes and 4 indexes.....	27	"
Prince George's County, 16 volumes and 4 indexes.....	20	"
Queen Anne's County, 13 volumes and 3 indexes.....	16	"
Somerset County, 18 volumes and 3 indexes.....	21	"
St. Mary's County, 8 volumes and 3 indexes.....	11	"
Talbot County, 10 volumes and 3 indexes.....	13	"
Washington County, 39 volumes and 7 indexes.....	46	"
Wicomico County, 5 volumes and 2 indexes.....	7	"
Worcester County, 14 volumes and 3 indexes.....	17	"
Charles County Court and other records.....	71	"

Total, 2142

Appendix No. 1 contains a list of the Land Office books, with their respective contents, etc.

In addition to the above there are a number of extracts unbound, because not enough to make a volume.

There are also forty-five thousand (45,000) certificates of survey, and twelve thousand, four hundred and fifteen (12,415) bundles of Chancery papers, and a very large number of maps and miscellaneous papers. Over ten thousand (10,000) certificates have been jacketed, numbered and indexed. The jacket showing name of County and tract of land, number of acres, rods and perches, for whom surveyed, date of survey, when returned and examined, when composition money paid and date, and to whom patented; also where recorded. Whereby the search and finding of the Certificate is rendered easy and a great saving of time. The index gives the name of the tract of land and for whom surveyed, and the number. This work is complete for Allegany, Anne Arundel and Dorchester Counties.

EXTRACTS OF DEEDS.

Extracts of Deeds from Baltimore city and the several counties of the State have been transmitted to this office in compliance with Sections 54 and 55 of Article 17 of the Code of Public General Laws, as follows:

Allegany County—complete to December, 1900.

Anne Arundel County—complete to July, 1901.

Baltimore City—complete to April, 1901.

Baltimore County—complete to May, 1901.

Calvert County—no extracts in this office from 1817 to 1882, excepting from December 5th, 1863, to June 1st, 1867, and from December, 1873, to June, 1875. Extracts complete from June, 1882, to May, 1901.

Caroline County—complete to May, 1901.

Carroll County—complete to May, 1900.

Cecil County—complete to July, 1900.

Charles County—complete to June, 1899.

Dorchester County—complete to January, 1899.

Frederick County—complete to November, 1900.

Garrett County—complete to June, 1901.

Harford County—complete to January, 1901.

Howard County—complete to May, 1901.

Kent County—complete to May, 1901.

Montgomery County—complete to May, 1900.

Prince George's County—complete to June, 1901.

Queen Anne's County—complete to June, 1901.

St. Mary's County—complete to June, 1901.
 Somerset County—complete to May, 1901.
 Talbot County—complete to June, 1901.
 Washington County—complete to June, 1901.
 Wicomico County—complete to February, 1895.
 Worcester County—complete to January, 1899.

RELEASES OF MORTGAGES.**EXTRACTS OF MORTGAGES**

Allegany—Apr. 1900, to Sept. 27, 1901	Apr. 1900, to Sept. 24, 1901.
Anne Arundel—	
Baltimore County—	
Baltimore City—	
Calvert—	
Caroline—	
Carroll—	
Cecil—July 7, 1900, to Sept. 1900	April, 1900, to June 5, 1900.
Charles—	
Dorchester—	
Frederick—Oct. 30, 1900, to Oct. 30, '01	
Garrett—	June 5, 1900, to May 30, 1901
Harford—	
Howard—	
Kent—	
Montgomery—Apr. 1900, to May 31, '01	
Prince George's—	
Queen Anne's—	
St. Mary's—June 1900, to June 1901	
Somerset—	
Talbot—	
Washington—Apr. 1900, to June 1901	
Wicomico—	
Worcester—	

THE MILITARY LOTS.

Soon after the close of the Revolutionary war, the Legislature of Maryland granted to the officers and soldiers of the Maryland Line, for their services in that war, lots westward of Fort Cumberland and were distributed by lot. A map of these lots and the patented tracts before this distribution in that section, was made by Francis Deakin in 1787, by authority of a resolution of the Legislature, and embraced a general survey of the State westward of Fort Cumberland. This map becoming dilapidated by erosion caused by lapse of time and handling, the Legislature authorized the making of a copy, which was efficiently done by George H. Shafer, Chief Clerk of the Land Office, some years ago, and which is in a complete state of preservation. There are on these maps four thousand one hundred and sixty-five lots of fifty acres each, besides sundry tracts which had been patented. A complete list of the names of the original owners of these lots by the revolutionary officers and soldiers and number of lot is given in Brewer's and Mayer's Law and Rules of the Land Office, published in 1871, and is a useful list to those interested in the Maryland soldiers of the Revolution.

The extreme western section of Garrett county, known as the "Glade District," is composed mostly of military lots. The town of Oakland, 56 miles west of Cumberland, is located on a fifty acre lot. All of this section has rapidly grown in wealth and the land correspondingly in value. There still continues to be much litigation in the Land Office and the Courts over the title to these lots, but is decreasing as the titles become fixed and settled. Since the decision of the Court of Appeals in Armstrong vs. Bittinger, 47 Md., Rep. 103, the Commissioner of the Land Office, on an application for an escheat warrant, carefully examines if any escheat warrant has been issued and executed for the same land before issuing an escheat warrant, and refusing a warrant if a certificate has been returned for the same and a patent issued, and thus saving the applicant for the warrant the expense of a survey and a possible controversy and suit as to title. Although certificates of execution of warrants of escheat are, like other certificates, required to remain subject to caveat for six months after return of same to this office, nevertheless it happens that these lots are not escheat, but the owners are living in distant sections in the State or out of the State and know nothing of the proceedings to escheat. The time for caveat expires and a patent issues. Valuable timber is then cut off and other damage done to the lots, before, if ever, the legal owner knows of the existence of the patent.

And often the patents and possessary title, by the lapse of the twenty years and over, ripens into a full legal title and the rightful owner or owners lose the lot or lots. As a means of modifying and preventing this injustice, it would be well for the Legislature to require a notice in one or more of the county papers where the land lies, requiring the applicant for the escheat warrant to give one or more months notice of the application for the warrant before having the county surveyor execute the warrant; the notice giving a description of the land and reputed owner or owners of the same. It is very rare for the Commissioner to receive an application for an escheat warrant, except for these military lots.

CAVEAT CASES.

It has been one of the main objects of the Commissioner to dispose of the accumulated Caveat cases on the docket. The work in this direction has been necessarily slow in bringing these cases to issue and hearing because of the great labor in preparing the cases. In nearly all, locations and depositions have to be made and to promote the ends of justice, the time set for hearing is often continued from time to time. The surveys and depositions entail much labor upon the surveyors and the attorneys.

Twenty-one new caveats have been filed, and eleven finally disposed of. From the decisions in the same there has been no appeal as yet. The period of nine months in which an appeal is allowed from the judgments or orders of the Commissioner of the Land Office, should be shortened from nine months to two months, to correspond with the time allowed in Courts of Law and Equity. The successful litigant should be entitled to a speedy review and decision of his case in the appellate court.

RULES OF THE LAND OFFICE.

The experience of the Commissioner in his efforts to expedite business has made manifest the need for some changes in the Statutes and the rules of the Land Office. And in referring to a few of these suggested changes, the Commissioner feels sure that those who have business in this office will recognize the force of the suggestions. For instance, when erroneous certificates are referred back to the surveyor for correction, they should be corrected and returned in much less time than twelve months. The delay of surveyors in returning certificates sent back for correction is a great source of annoyance when caveats have been filed and prevents

a speedy consideration of the caveat. In warrants of resurvey all vacant land between the land to be surveyed and patented or deed tracts should be included in the survey so as to prevent future complications about the omitted vacant pieces.

The Statute should also make clear the duty of sheriffs in serving subpoenas for the appearance of witnesses before the Commissioner or person authorized to take depositions, and power to enforce this duty by subjecting the sheriff to fine for neglect of duty. Also to enforce the attendance of witnesses by attachment and fine for non-attendance.

SEARCHES, COPIES AND CORRESPONDENCE.

There is no data with which to compare the business of the office in the line of searches, copies and correspondence, as the former Commissioner made no detailed statement, but there must be a remarkable increase. Formerly the Commissioner and his one assistant attended to all of the office business, with the exception of indexing the names of grantors and grantees in extracts of deeds, while now the time of three clerks is chiefly occupied in attending to the demands for searches, copies and typewriting of correspondence. The balance of their time is devoted to jacketing of certificates and Chancery papers. At the beginning of his term, the Commissioner purchased out of the contingent fund a typewriter and all copies and letters are now sent out typewritten.

As an illustration of the work done in this line in the past two years up to October the first of this year, 2,263 letters have been received and answered, copies made containing 503,659 words and 775 searches made. In the above are not included fee bills made out and mailed. Making copies of the old records is very difficult and tedious, many of them being in old English text and in many cases, the writing is difficult to decipher, because of illegibility caused by time and injury to the books in the past by exposure and neglect. The searches require in many cases much time often requiring the attention of one of the clerks the greater portion of a day. The usefulness of the Land Office in tracing title to real estate and of learning family pedigrees is being more continually availed of and the work has increased rapidly.

**STATE RECORDS IN POSSESSION OF THE MARYLAND
HISTORICAL SOCIETY.**

Under the provisions of the Act of 1882, chapter 138, certain anti and revolutionary records and documents belonging to the Land Office were deposited with the Maryland Historical Society and are to be returned to this office when demanded by the State. A list of same will be found in appendix No. 2.

BOOKS, BOUNDARIES AND MUSEUM.

As stated in my predecessor's last report, the Museum in accordance with authority from the Legislature, has been donated to the Maryland Academy of Sciences and removed thereto.

In appendix No. 3 will be found a list of the valuable original maps, Reports of Commissioners and agreements in reference to the boundaries between Maryland, Delaware, Virginia and West Virginia. Many inquiries have been received from different states in regard to Mason and Dixon's line, showing an awakened interest in this celebrated historical line between the North and the South. Some of the information so furnished is considered of such importance as to be included in the United States Coast and Geodetic Survey of Maryland and adjoining States.

The present Commissioner has endeavored, as far as the limited means from the contingent fund at his disposal will permit, to collect all Records, Relics and other Memorials connected with the early history of Maryland as directed by section 8 of Art. 7 of the Constitution. A nucleus of a library of Historical works and manuscripts has been formed and is being added to as funds are secured to be expended in this direction. The appropriation of one thousand dollars appropriated for the binding of books exclusively, might with great advantage be widened in its scope by using this appropriation, not expended in binding of record books, in satisfying the requirements and intention of the Constitution as to the collection of Records, Relics and Memorials.

Great inconvenience results to persons in searching up titles and family history, by reason of the Prerogative Court Records containing wills, administration accounts, orders, &c., being deposited in the Register of Wills office of Anne Arundel County. Many inquiries are made in person and by letter for these records at this office, the natural custodian for the same, and are much disappointed at their not being collected in one place with the other records of the State. An experiment is being

made in a small way for preserving original and old documents and records by the Emery Process of Preserving old Papers. This process has been highly recommended by the keepers of the public records in other States, and if samples are up to the standard claimed, many of the State's precious documents here should be so treated.

FEES OF OFFICE AND COMPOSITION MONEY.

Composition money is derived from the sale of vacant land and is uniformly fifty cents an acre in any part of the State where the vacant land is located. All fees and composition money is paid over to the State Treasurer semi-annually, and though both are merely nominal, nevertheless, the State derives from this source about \$2,000.00 a year. If the schedule of fees were in proportion to the labor required and as in other fee offices, the office would be more than self-supporting.

FORMATION OF COUNTIES AND TAX RATES.

Below will be found table of date of formation and whence name derived of the several counties and Baltimore City and the several tax rates of assessment.

1. ST. MARY'S.—The earliest; called in honor of Queen Henrietta Maria. 1634. Area, 300 square miles.
2. KENT.—After English County of that name by settlers from said county. 1626. Area, 240 square miles.
3. ANNE ARUNDEL.—After Lady Anne Arundel, wife of Cæcilius, 2d., Lord Baltimore. 1650. Area, 360 square miles.
4. CALVERT.—After the family name of the proprietary. 1653. Area, 250 square miles.
5. CHARLES.—From Charles, Lord Baltimore. 1658. Area, 450 square miles.
6. BALTIMORE.—From the Proprietary's Irish Barony (Celtic bailtemor, i. e. the large town.) 1659. Area, 600 square miles.
7. TALBOT.—After Lord Talbot, uncle of Lady Baltimore. 1661. Area, 280 square miles.
8. DORCHESTER.—After the Earl Dorset, a family friend of the Calverts. 1669. Area, 600 square miles.
9. SOMERSET.—After Edward Somerset, husband of Maria Calvert, daughter of Lord Baltimore. 1666. Area, 300 square miles.

10. CECIL.—After the forename of the 2nd Lord Baltimore. 1674.
Area, 350 square miles.

11. PRINCE GEORGE'S.—From Prince George of Denmark. 1695.
Area, 400 square miles.

12. QUEEN ANNE'S.—After the reigning sovereign of Great Britain. 1706. Area, 400 square miles.

13. WORCESTER.—Commemoration of the Stuart proclivities of the Palatines family—In 1672 there was another Worcester county. 1742. Area, 450 square miles.

14. FREDERICK.—After Frederick, Prince of Wales. 1746. Area, 580 square miles.

15. CAROLINE.—After Caroline Harford, a niece of the Proprietary. 1773. Area, 270 square miles.

16. HARFORD. After Henry Harford, a nephew of the Palatine Governor of the Province. 1773. Area, 400 square miles.

17. MONTGOMERY.—After General Montgomery, killed at Quebec 1776. Area, 525 square miles.

18. WASHINGTON.—After General Washington. 1776. Area, 525 square miles.

19. ALLEGANY.—After Great Indian Tribe of the Alligewi. 1789. Area, 430 square miles.

20. CARROLL.—After Carroll of Carrollton, signer of Declaration of Independence. 1836. Area, 425 square miles.

21. BALTIMORE CITY. 1850.

21A. HOWARD.—After Col. John Eager Howard, the older. 1850. Area, 240 square miles.

22. WICOMICO.—After the river of the same name. 1867. Area, 310 square miles.

23. GARRETT.—After John W. Garrett. 1873. Area, 670 square miles.

The following is the rate of taxes levied for 1901, in the Counties of Maryland, together with the City rate in Baltimore.

Allegany County,	\$1.00
Anne Arundel County,	1.01
Baltimore City,	1.81
Baltimore County,	.85
Calvert County,	.99
Caroline County,	.95
Cecil County,	.75

Carroll County,	.45
Charles County,	.99
Dorchester County,	.99
Frederick County,	.82
Garrett County,	.72
Harford County,	.91
Howard County,	.75
Kent County,	.91
Montgomery County,	.86
Prince George County,	.91
Queen Anne's County,	.83
Somerset County,	1.04
St. Mary's County,	.73
Talbot County,	.88
Washington County,	.65
Wicomico County,	.78 $\frac{1}{2}$
Worcester County,	.92

ANCIENT SEALS.

All of the ancient seals of the Province and State, with one exception, are preserved intact. Many years ago the seal used by the Register of the Eastern Shore Land Office when there was a separate land office for the Eastern and the Western Shore, was in some manner unknown, abstracted. The Commissioner proposes to have made a duplicate of the lost seal and placed in the cabinet with the other seals to make the collection complete and also to have constructed an appropriate cabinet for preserving the same so the seals can be inspected without handling.

THE CHANCERY RECORDS.

As to the above records and index to same, the last report aptly says: A more modern and complete index of the Chancery Records is much needed. "It is easy to find a case if the name of the complainant is known, but this is not always within the inquirer's knowledge, and in several instances it has been impossible to furnish the desired information. The Court of Chancery was abolished more than forty years ago, and there is no one now living, who in cases of uncertainty, can give a clue to the records. There are many calls for information contained in these records,

and an index of the names of decedents, mortgagors, tenants in common and others, who lands were affected by the proceedings of the Court of Chancery, would be of very great value. It would not be a very voluntary work, but it would take time and care to prepare it."

The Commissioner expects shortly to commence this work of a new and complete index and will, with the limited clerical help in the office make as rapid progress as possible, but it would be much better if the Legislature were to provide for the employment of an experienced and capable person for this exclusive purpose, as indexing requires the highest degree of care and attention, and the indexer not be interrupted by being called on to do other pressing and routine work in the office.

COMPOSITION MONEY.

It is now, and has been a frequent practice for certificates to be returned and then lay indefinitely without payment of composition money the land being used and the certificate holder receiving a profit therefrom without any payment of money to the State for the land, or paying taxes. Every effort is being made to have settlement made in such cases, but often the holders of the certificates are not financially responsible and the land not worth the expenses of an advertisement and sale. Such certificates are open to Proclamation, but this is seldom resorted to. The Commissioner should have authority to vacate or annul the certificate on failure of owner to pay composition money within the required time allowed for the payment thereof.

CLERICAL FORCE.

The Legislature by Chapter 318 of Acts of 1900 repealed and enacted sections 2, 11 and 15 of Chapter 54 of the Code, thus reorganizing the clerical force of the Land Office. Prior to the passage of the Act, there were two clerks whose duties only were to index the names of grantors and grantees in extracts of deeds sent by Clerks of Courts to the Land Office and were paid so much for the names indexed, involving an expense of \$1,000 to \$1,200 for each clerk and some years was much more than this. This indexing was alone their prescribed work and they were independent of the Land Commissioner, except as to his certifying to the amount of work done. Nothing else could be required of them and the general work of the office had to be accomplished by the Commission-

nd his chief clerk. There was also another clerk who indexed the records removed from Charles County, who was equally independent. The Act of 1900 made the same number of clerks, grading them and fixing their salary and placing them under the direct control of the Commissioner, thus making a saving in expense to the State and equalizing the work of the office. George H. Shafer is chief clerk, Genl. Frank A. Bond is first assistant clerk, Jno. F. O'Malley is second assistant clerk and Arthur Trader is third assistant clerk. The faithful and efficient performance of his duties by the chief clerk for many years is known and appreciated by all who have any business in the Land Office, whether in the State or out of it. The laws, rules and practice of the office have been his life work and his intimate acquaintance therewith and of the thousands of records in the office renders his services invaluable. To General Bond is assigned the indexing of deeds, mortgages, releases of mortgages and leases, and in this line, by his industry and strict attention accomplishes what was formerly the duty of two clerks. The second and third clerks are expert typewriters and well acquainted with the routine work and records. They are attentive, industrious and intelligent in taking searches and deciphering and making copies of the difficult and most obliterated writings of the old records and manuscripts. These clerks are also making rapid headway in jacketing and indexing the mass old certificates and will soon commence on the jacketing and new indexing of the Chancery Records.

Respectfully submitted,

E. STANLEY TOADVIN,
COMMISSIONER OF THE LAND OFFICE.

APPENDIX NO. I**LAND OFFICE RECORDS.**

Series Nos. 1 to 23, Patents, Certificates, Warrants, Assignments, Petitions and Court Proceedings, 1638-1695.....	23 Vols.
Liber A. B. & H., Patents, 1646-1654.....	1 "
" Q. Patents, Certificates, Warrants, etc, 1658..	1 "
" C. B. Nos. 2 and 3, Patents, 1680-1683.....	2 "
" J. B. & J. L., No. C., Patents, 1684-1700....	1 "
" S. D., No. A., Patents, 1683-1684	1 "
" N. S., Nos. B and 2, Patents, 1683-1688.....	2 "
" W. D. Patents, 1689-1706.....	1 "
" D. S., No. F., Warrants, Assignments and Patents, 1685-1706.....	1 "
" B. B., No. 3 A, Patents and Certificates, 1686-1697	1 "
" C. C., No. 4, Patents and Certificates, 1696- 1699.....	1 "
" D. D. Patents and Certificates, 1696.....	1 "
" C. Patents and Certificates, 1694-1695.....	1 "
" D. D., No. 5, Certificates, Assignments, &c., 1700-1713.	1 "
" E. E., No. 6, Patents and Certificates, 1713- 1715.....	1 "
" F. F., No. 7, Patents and Certificates, 1713- 1721.....	1 "
" P. L., Nos. 2 to 8, Patents, 1706-1734.....	7 "
" R. Y., No. 1, Patents, 1714.....	1 "
Liber C. E., No. 1, Patents, 1715-1722.....	1 Vols.
" J. L., Nos. A. and B., Certificates and Assign- ments, 1719-1733	2 "
" A. M., No. 1, Certificates and Assignments, 1728-1735.....	1 "
" E. J., Nos. 1 to 6, Patents and Certificates, 1732-1743.....	6 "
" L. G., Nos. B. C. & E., Certificates and Assign- ments, 1743-1745.....	3 "
" P. T., Nos. 1 and 2, Patents, 1743-1746.....	2 "
" B. T. & B. Y., No. 3, Patents, 1745-1747.....	1 "

T. J., Nos. 1, 3 and 4, Patents and Certificates, 1747-1751.....	3	"
" B. Y. & G. S., Nos. 1 to 5, Patents, Certificates, etc., 1746-1751.....	5	"
" Y. & S., Nos. 6 to 8, Certificates and Patents, 1751-1754	3	"
" G. & S., Nos. 1 and 2, Certificates and Patents, 1752-1755.....	2	"
" B. C. & G. S., Nos. 1 to 52, Patents, Certificates, 1754-1756.....	52	"
" J. C., Nos. A to S, Patents and Certificates, 1782-1809.....	18	"
" J. K., Nos. T. & U., Patents and Certificates, 1805-1811.....	2	"
" J. B., Nos. A. to G., Patents and Certificates, 1811-1823	7	"
" J. B. & G. G. B., No. H., Certificates, 1824-1829.....	1	"
Liber G. G. B., Nos. 1, 2, 3, Patents and Certificates, 1828-1842.....	3	Vols.
General Indices to above Records.....	7	"
Liber G. G. B., Nos. 4 to 8, Patents and Certificates, 1806-1857.....	6	"
" W. L. W. S., Nos. 2 and 3, Patents and Certificates, 1861-1871.....	2	"
" G. L. L. D., No. 1, Certificates, 1826-1877.....	1	"
" J. M., No. 1, Patents, 1854-1861.....	1	"
" W. R. H., No. A, Maryland and Virginia Boundary and Lighthouses, 1877.....	1	"
" W. R. H., No. 1, Patents, 1872-1882.....	1	"
" W. R. H., No. 1, Certificates, 1871-1877.....	1	"
" W. R. H., No. 2, Patents, 1883.....	1	"
" W. R. H., No. 1, Warrants, 1880.....	1	"
" J. T. S., No. 1, Certificates, 1888.....	1	"
Warrants, Assignments, Petitions, etc., 1661-1879.....	71	"
Eastern Shore Records, Patents and Certificates, 1796-1842.....	8	"
General Indices to Warrants.....	5	"
Eastern Shore Warrants, Assignments, etc., 1781-1842.....	15	"
Rent Rolls.....	49	"

APPENDIX NO. 2.

Records belonging to the Land Office, now in the possession of the Maryland Historical Society, under the provisions of the Act of 1882, chapter 138.

Upper House Journals, 1659-1777.....	14	Vols.
Lower House Journals, 1676-1763.....	14	Vols.
Assembly Proceedings, 1637-1774.....	8	"
Journal of Senate, 1783.....	1	"
Journals of House of Delegates, 1777-1780.....	3	"
Council Proceedings, &c., 1636-1791.....	21	"
Commissions, 1726-1786.....	3	"
Maryland Archives, 1682-1785.....	1	"
Court of Oyer and Terminer, 1728-1752.....	1	"
Letter Books, 1756-1793.....	8	"
Board of Revenue, 1768-1775.....	1	"
Entry Book, 1771.....	1	"
Invoice Books, 1771-1776.....	1	"
Postage Book, 1774-1777.....	1	"
Ledger B, No. 2, 1780-1782.....	1	"
Day Book, 1784-1786.....	1	"
Proprietary Papers, 1701-1776.....	6	"
Church Vestry Papers, various periods.....	2	"
Proprietary Papers, relative to Indians, 1638-1764, and Correspondence, 1744-1764.....	1	"
Correspondence of Lord Baltimore and Officers of the British Crown, etc.....	1	"
Papers in the case of the designed arrest of Gov- ernor Eden, etc.....	1	"
Minutes of Maryland Convention, 1774.....	1	"
Minutes of Council of Safety, Instructions and Cor- respondence of Maryland Delegates in Con- gress, etc., 1776-1790.....	32	"
Sixty-two letters from General Washington, 1777- 1799	1	"
Letters from General Smallwood, 1777-1782.....	1	"
Letters from Generals Gist and O. H. Williams, 1775-1781.....	1	"
Miscellaneous Papers, 1777-1797.....	5	"

Military Correspondence, 1779-1781.....	1	"
Printed Broadsides.....	1	"
Maryland Stock in Bank of England.....	1	"
Maryland Bank Stock in England.....	1	"
Papers concerning losses during Revolutionary War, and Information about British Property.....	1	"
Liber C & W. H., 1638-1678.		
" W. H. & L., 1640-1692.		
" L. L., No. 1, 1692.		
" L. L., No. 2, 1692-1704.		
" L. L., No. 3, 1704-1710.		

APPENDIX NO. 3.

BOUNDARIES.

I. MARYLAND, PENNSYLVANIA AND DELAWARE.

Report of Commissioners, 1850. Three copies.

Report of Lieutenant Graham.

Map of the Line, as run by Lieutenant Graham.

II. MARYLAND AND PENNSYLVANIA.

Agreement between Lord Charles Baltimore and John, Thomas and Richard Penn, of May 10, 1732, and the Commission to the Pennsylvania Commissioners of May 12, 1732. (Printed.)

Agreement between Lord Baltimore and Thomas and Richard Penn, of July 4, 1760. (Parchment, worn.)

Commission to Horatio Sharpe and others, Maryland Commissioners, under foregoing agreement. (Parchment, in fair condition.)

Minutes of the Joint Commissioners of Lord Baltimore and the Penns, November 19, 1760, to November 9, 1768.

Minutes of Commissioners April 30, 1762, to August 30, 1763.

Field Notes and Journal of the Surveys of Lord Baltimore and the Penns for the year 1761.

Original Astronomical Observations and Journal of Mason and Dixon, November 15, 1763, to October 4, 1767.

III. MARYLAND AND VIRGINIA.

Correspondence of the Joint Commissioners under the Acts of March and May, 1852, and of March, 1860.

A.—Western Boundary.

Measurements of the Meridian, original notes by Daser, 1860, Books 1 and 2.

Astronomy, 1859, Lieutenant Michler.

Data used in Compilation of Maps from Fairfax Stone to Pennsylvania Line, 1859, 1860, 1861.

Original Astronomical Computations.

Original Notes of Survey, Books 1, 2, 3, 4.

Atlas of Western Boundary, 26 plates, by Lieutenant Michler.

B.—East of the Bay and the Southern Boundary.

Data used in the Compilation of the Maps, 1859.

Survey Books, 1858. No. 1, Commencing at Chincoteague Bay; No. 2, Commencing at Pocomoke River.

Field Books (Theodolite,) Nos. 1, 2, 3, 4, Lieut. Michler.

The Black-Jenkins Award (Map,) 1877.

Smith's Point to Atlantic Ocean (Map,) 1883.

Winthrop and Lee's Map of the Boundary Line between Dorchester and Somerset counties, 1860.

